

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|  |  |  |                                     |
|--|--|--|-------------------------------------|
| <p><b>DONALD EUGENE COOKS,</b></p> <p>v.</p> <p><b>OFFICER TYLER ARNEY, et al.</b></p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p><b>Plaintiff,</b></p> <p><b>Defendants.</b></p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> |
|  |  |  | <b>No. CIV-23-1178-R</b>            |

**ORDER**

Before the Court is Plaintiff's pro se Motion for Discovery [Doc. No. 38] requesting that the Court hold a "discovery hearing" to determine if his constitutional rights were violated.<sup>1</sup>

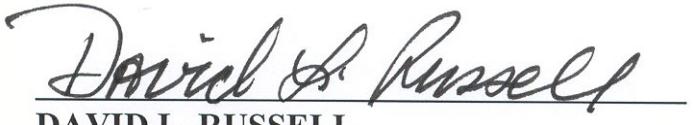
Although Plaintiff is proceeding pro se, he must nevertheless follow the same rules of procedure that govern other litigants. *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994). Plaintiff has not indicated that he sent any written discovery requests to Defendants or that there is a discovery dispute necessitating court intervention. See Fed. R. Civ. P. 33, 34, 36. Moreover, discovery is inappropriate at this time as there is no indication the parties have held the required discovery conference. See Fed. R. Civ. P. 26(d) ("A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f)....").

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<sup>1</sup> The Court also notes that, although there are still claims pending against two defendants, Plaintiff has filed an appeal [Doc. No. 33] of the Order of July 11, 2024 [Doc. No. 31] dismissing certain claims without prejudice and dismissing the OCPD with prejudice because it is not an entity capable of being sued.

Accordingly, Plaintiff's motion is DENIED.

**IT IS SO ORDERED** this 21<sup>st</sup> day of August, 2024.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE